IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5268 OF 2006

Mrs Jayashree Jaywantrao Shinde, .. Petitioner
Vs
Shri Ganpat B Khadke and ors. .. Respondents.

Mr S.M.Sabrad, for the petitioner.

CORAM : D.B.BHOSALE,J.
DATE : 12.09.2006

PC:

1. Heard the learned counsel for the parties.

2. The petitioner has impugned the order dated 28.3.2006 by which his application seeking appointment of the District Inspector of Land Records as Commissioner for the survey and measurement of the land in dispute, has been dismissed. I see no reason to exercise writ jurisdiction under Article 227 of the Constitution of India. Hence, the writ petition is dismissed. However, dismissal of this petition shall not come in the way of the petitioner in approaching the office of the D.I.L.R. or T.I.L.R for getting the disputed land measured and surveyed privately within six weeks from today. If the petitioner approaches the concerned authority with such an application, the said may be dealt with by the concerned authority in accordance with law. It is made clear that the

petitioner shall not seek adjournment on this ground beyond the period of six weeks from today before the trial Court. In other words, the trial Court need not stay the further proceedings on this ground beyond the period of six weeks from today. It is open for the petitioner to produce a copy of this order before the concerned authority. It is needless to express that it would be open for the petitioner to place a report of the DILR/TILR on record and examine the concerned officer, if so advised. The writ petition is accordingly disposed of.

(D.B.BHOSALE,J.)